

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.320 OF 2005

IN

NOTICE OF MOTION NO.1880 OF 2002

IN

SUIT NO.2299 OF 2002

Ms.Madhuri R. Khanna

... Plaintiff

V/s.

Umeshchandra Khanna

... Defendant

Mr.D.H. Mehta with Mr.Girish i/b R.D. Suvarna for
Plaintiff

None for Defendant

CORAM: SMT.NISHITA MHATRE, J.

DATED: JUNE 30, 2006

P.C.:

. The present Motion has been taken out by the Plaintiff for restoring Notice of Motion No.1880 of 2002. According to the Plaintiff, when the Notice of Motion No.1880 of 2002 was dismissed, the advocate appearing for the Plaintiff could not attend his office for the reasons set out in the affidavit in support of the Motion. The Plaintiff was also unable to attend since as stated in the affidavit in support of the Motion he met with a road accident on 28.12.2004 and returned to Mumbai only on 29.1.2005.

2. The Motion has been served on the advocate for the Defendant and an affidavit of service filed.

3. For the reasons mentioned in the affidavit in

support of the Motion, the Notice of Motion is allowed in terms of prayer clause (a). Notice of Motion No.1880 of 2002 restored to file. The prayer clauses (b) to (e) in this Motion are sought for in Notice of Motion No.1880 and hence, they are not being considered.

4. Motion is disposed off.